

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY-AMERICAN	)	
WATER COMPANY FOR AN ADJUSTMENT OF	)	CASE NO.
RATES SUPPORTED BY A FULLY	)	2010-00036
FORECASTED TEST YEAR	)	

O R D E R

On March 4, 2010, John R. Thompson filed a motion to intervene in this proceeding. The only person entitled to intervene as a matter of right in this rate-making proceeding is the Attorney General ("AG"), pursuant to KRS 367.150(8)(b). Intervention by all others is permissive and is within the sound discretion of the Commission.<sup>1</sup>

In exercising its discretion to determine permissive intervention, the Commission follows 807 KAR 5:001, Section 3(8). That regulation requires a person seeking intervention to file a request in writing that "shall specify his interest in the proceeding."<sup>2</sup> That regulation further provides that:

If the Commission determines that a person has a special interest in the proceeding which is not otherwise adequately represented or that full intervention by party is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings, such person shall be granted full intervention.<sup>3</sup>

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<sup>1</sup> *Inter-County Rural Elec. Cooperative v. Pub. Serv. Comm'n*, 407 S.W.2d 127, 130 (Ky. 1966).

<sup>2</sup> 807 KAR 5:001, Section 3(8)(b); see also *EnviroPower, LLC v. Pub. Serv. Comm'n*, 2007 WL 289328 (Ky. Ct. App. Feb. 7, 2007) (holding that "the PSC retains the power in its discretion to grant or deny a motion for intervention").

<sup>3</sup> 807 KAR 5:001, Section 3(8)(b).

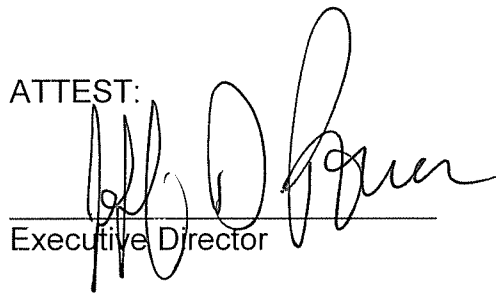
In his request, Mr. Thompson does not articulate that he has a special interest in this proceeding or that he is likely to present issues or to develop facts that will assist the Commission in resolving this matter. It is unclear whether Mr. Thompson is a customer of Kentucky-American Water Company. To the extent that he is a consumer, the AG has been granted full intervention and has the obligation to appear before the Commission to represent consumers' interests.<sup>4</sup>

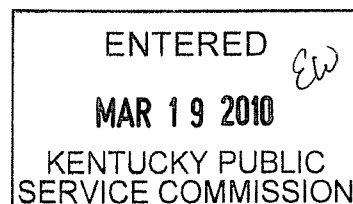
Having determined that the requisites of 807 KAR 5:001, Section 3(8), have not been satisfied, the Commission shall deny Mr. Thompson's request for intervention. Nevertheless, Mr. Thompson will have ample opportunity to participate in this proceeding even though he is not granted intervenor status. He may submit comments that will be entered in the record of this case and considered by the Commission. He may also keep abreast of the status of the case and filings by monitoring the case's electronic file located at [http://psc.ky.gov/efs/efs\\_search.aspx?case=2010-00036](http://psc.ky.gov/efs/efs_search.aspx?case=2010-00036).

IT IS THEREFORE ORDERED that Mr. Thompson's request for intervention is denied.

By the Commission

ATTEST:

  
Executive Director



<sup>4</sup> KRS 367.150(8)(b); see also Case No. 2007-00337, Joint Application of Louisville Gas and Electric Company, Association of Community Ministries, Inc., People Organized and Working for Energy Reform, and Kentucky Association for Community Action, Inc. for the Establishment of a Home Energy Assistance Program, Application at 7 (Ky. PSC Sept. 14, 2007) (denying limited intervention to an individual on the grounds that the AG was a full intervenor).

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